

**DECLARATION OF JAMES G. SAMMATARO**

I, James G. Sammataro, declare as follows:

1. I am currently a partner at the law firm of Pryor Cashman LLP, and have held that position since May 6, 2019.

2. Prior to joining Pryor Cashman LLP, I was a partner at the law firm of Stroock & Stroock & Lavan LLP ("Stroock"), working in their Miami, Florida office, from early 2012 until May 4, 2019.

3. I understand that Stroock is currently representing Kewazinga Corp. in the matter captioned, *Kewazinga Corp. v. Google, LLC*, Civil Action No. 1:20-cv-01106-LGS (SDNY). I further understand that this declaration may be used in support of Kewazinga's opposition to Google's Motion for Summary Judgment of Equitable Estoppel and Kewazinga's cross-motion for summary judgment of no equitable estoppel.

4. In 2018, while I was at Stroock, I represented Orchard Enterprises NY, Inc. ("The Orchard") in a copyright infringement action initially brought by Seugne Botha in the Middle District of Florida ("2018 Orchard Action").<sup>1</sup> In addition to The Orchard, Botha's complaint named several other defendants including, *inter alia*, Amazon, Spotify, Microsoft, and Google.

5. The Orchard retained Stroock to represent it in the 2018 Orchard Action, and I was the partner in charge of that representation. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. [REDACTED]

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<sup>1</sup> The action was subsequently transferred to the United States District Court for the Southern District of New York.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. [REDACTED], I became aware of Stroock's representation of Kewazinga in connection with a complaint filed against Google in 2013 alleging patent infringement (the "2013 Patent Litigation").

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. [REDACTED]

[REDACTED]

12. As expected, the 2018 Orchard Action engagement was short-lived. Settlement was reached as to most defendants, including Google, at a Court-ordered settlement conference on September 28, 2018.

13. Though Stroock had been retained by Google for the 2018 Orchard Action,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] There were no Google-specific issues that arose during the settlement conference.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 29, 2020

  
James G. Sammataro